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13
14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION

19 UNITED STATES OF AMERICA,) No. CR 09-952 - JF
20 Plaintiff,)
21 v.) STIPULATION AND {PROPOSED}
22 BRENDAN PATRICK MCCLORY-) ORDER EXCLUDING TIME AND
23 MAGUIRE,) CONTINUING STATUS HEARING
24 Defendant,) SAN JOSE VENUE
25
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27 The parties in this case, through their respective counsel, hereby stipulate and agree that the
28 status conference set for February 11, 2010, be continued until March 11, 2010 at 9:00 a.m. in
order for counsel for defendant and the Government to conduct further investigation. In
addition, the parties stipulate that an exclusion of time under the Speedy Trial Act from
December 2, 2009 when present counsel first appeared in the case, until March 11, 2010, is

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1 appropriate based on the defendant's need for effective preparation of counsel.
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3 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

5 DATED: 2/10/10

6 _____/s/
7 THOMAS M. O'CONNELL
8 Assistant United States Attorney

9 DATED: 2/10/10

10 _____/s/
11 PATRICK CLANCY
12 Counsel for MCCLORY

13 Accordingly, for good cause shown, and by stipulation of the parties, the Court
14 HEREBY ORDERS that the status conference set for February 11, 2010, be continued until
15 March 11, 2010 at 9:00 a.m., and that time be excluded under the Speedy Trial Act from
16 December 2, 2009 until March 11, 2010. The Court finds, based on the aforementioned
17 reasons, that the ends of justice served by granting the requested continuance outweigh the
18 interest of the public and the defendant in a speedy trial. The failure to grant the requested
19 continuance would deny defense counsel reasonable time necessary for effective preparation,
20 taking into account the exercise of due diligence, and would result in a miscarriage of justice.
21 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§
22 3161(h)(8)(A) and (B)(iv).

23 SO ORDERED.

24 DATED: 2/12/10

25 
26 JEREMY FOGEL
27 United States District Judge